

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Slivka et al.	
Application No.:	10/709,795	Conf. #: 3794
Filed:	May 28, 2004	Group Art Unit: 3733
Entitled:	ANCHORING SYSTEMS AND METHODS FOR CORRECTING SPINAL DEFORMITIES	Examiner: Richard R. Shaffer
Docket No.:	101896-252 (DEP5319)	

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

April 4, 2007

By: 

Date of Signature and Mail Deposit

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REMARKS FILED WITH RCE

Dear Sir:

This communication is submitted concurrently with a Request for Continued Examination. Applicants request entry of the amendments previously filed on March 1, 2007, and reconsideration in view of the following remarks.

**REMARKS**

In the Advisory Action, the Examiner states that the amendments previously filed in response to the final Office Action do not distinguish over Minfelde because Minfelde is interpreted as disclosing a “U-shaped receiver” by elements 4 and 14. Applicants disagree.

As shown in Figure 5 of Minfelde, the only portion of the device that can be considered to be “U-shaped” is element 14. Element 4, referred to by the Examiner, is a separate component and is not U-shaped. It is also not a receiver, but rather has a rod that is received by element 14. Since element 14 is the only portion of Minfelde that is U-shaped, Minfelde cannot anticipate claim 1 because element 14 is not removably coupled to a head of a bone-engaging member. Minfelde also cannot anticipate claims 12 and 24 because element 14 does not have a cavity that seats a head of a bone-engaging member. Independent claim 32 likewise distinguishes over Minfelde because element 14 does not have a distal seat for receiving at least a portion of the head of a bone screw, as required by claim 32. Accordingly, all claims distinguish over Minfelde and represent allowable subject matter.

Applicants submit that all claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: April 4, 2007



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